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OFFICE OF PETITIONS

In re Application of
Peter Brune et al
Application No. 09/980,042
Filed: March 25, 2002
Attorney Docket No. 740-63

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 11, 2009, to revive the above-identified application.


The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 31, 2007, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 1, 2007.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$130 extension of time submitted with the petition on May 11, 2009 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2617 for further processing.


Irvin Dingle
Petitions Examiner
Office of Petitions